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OFFICE OF PETITIONS

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1 ADMINISTRATION CIRCLE
CHINA LAKE, CA 93555-6100

In re Patent No. 6,827,310	:	
Issue Date: December 7, 2004	:	
Application No. 10/668,126	:	ON PETITION
Filed: September 22, 2003	:	
Attorney Docket No.: 83166	:	

This is a decision on the petition, filed March 8, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on December 7, 2008 for failure to pay the first maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

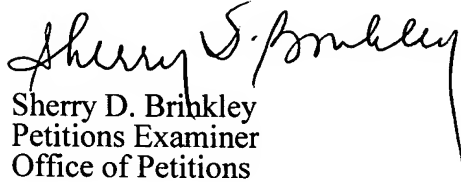
Petitioner provided an adequate statement of unintentional delay and the requisite maintenance fee; however, petitioner submitted a \$700 for the surcharge required by 37 CFR 1.20(i)(2). Since the surcharge required under 37 CFR 1.20(i)(2) is \$1,640, the surcharge fee deficiency of \$940 is being charged to counsel's deposit account as authorized.

In view of the above, the petition is found to comply with the requirements of 37 CFR 1.378(c).

The 3 ½ year maintenance fee in this case is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is noted that on March 11, 2010 petitioner submitted a duplicate copy of the present petition, including the fee payment of \$1,680. Accordingly, the \$1,680 overpaid is being credited counsel's deposit account.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions